IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 26535 of 2001

Between:

Mohd.Abdul Muzeeb, S/o. Mohd.Abdul Habeeb,
yellareddy Town, Nizamabad District.

..... PETITIONER

AND

1 Station House Officer,
Mahila Police Station, Golla Hanuman Road,
Nizamabad.
2 Superintendent of Police,
Nizamabad.
3 Bikis Sultana Supplies of Government Girls Polytechnic Hostel,
Kanteswar Road, Nizamabad.
R3 is implead as per Court Order dt. 29.12.2001

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Mandamus, declaring the action of the Respondents 1 and 2 herein in forcing and threatening the petitioner to pay maintenance to any one as illegal, arbitrary unreasonable, contrary to law, without jurisdiction and violative of Articles 14 and 21 of the Constitution of India and issue a Consequential direction to the respondents herein not to force and threaten the petitioner to pay any maintenance to anyone and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

-

The petitioner married one Bilkis Sulthana. The marriage lasted four years. Thereafter, the petitioner gave divorce. In this writ petition it is alleged that though the petitioner gave divorce long ago in 1989, the respondents called the petitioner to the Police Station and advised him to settle the maintenance issue with his wife. Aggrieved by the same, the present petition is filed.

In the counter affidavit filed by the Head Constable of Mahila Police Station, Nizamabad, it is stated as under.

> 4. It is submitted that the contention of the petitioner that the respondents herein calling the petitioner to the 1st respondent Police Station every Saturday for the last four weeks and asking him to pay an amount of Rs.25,000/- towards maintenance of the said Bilkis Sultana, is absolutely false and incorrect. As stated supra, the petitioner was asked to attend counselling only once i.e., on 27.10.2001, to which the petitioner has not attended. However, on ascertaining the said fact from the complainant on 27.10.2001, the matter was closed on the said date itself. Therefore, the question of asking the petitioner to pay any amount to Smt.Bilkis Sulthana towards maintenance by the respondents does not arise at all. The further allegation of the petitioner that again he was called on the last Saturday to the police station and he was threatened to force him to pay maintenance to the said Bilkis Sultana, is also equally false and baseless. The petitioner under the apprehension that the police may take action against him basing on the compliant of his second wife, Smt.Bilkis Sultana, dt.21.10.2001, filed the present writ petition with all false and baseless allegations against the respondents. At no point of time, the petitioner was compelled to attend the police station nor he appeared before the police station on any day, and he was never forced or threatened to pay maintenance to Smt.Bilkis Sultana. All these allegations are made only for the purpose of this writ petition.

The petitioner has not filed any reply affidavit denying the counter averments. Therefore, nothing survives in the writ petition. However, be it noted that when the dispute is civil in nature, the Police cannot investigate nor can interfere with the liberty of the people.

The writ petition, with the above observation, is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

24.06.2005

vs

To

1 Station House Officer,
Mahila Police Station, Golla Hanuman Road,
Nizamabad.
2 Superintendent of Police,
Nizamabad.
3 Bikis Sultana Supplies of Government Girls Polytechnic Hostel,
Kanteswar Road, Nizamabad.
R3 is implead as per Court Order dt. 29.12.2001

4 2 CCs to the G.P for Home, High Court of A.P., Hyderabad(O.U.T)

5 2 CD copies